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## **Earlier Distribution Required for Medicare Part D Creditable Coverage Notice: Health Care Reform's Earlier Annual Enrollment Period for Part D Accelerates Deadline for Distributing Creditable Coverage Notice**

The Patient Protection and Affordable Care Act ("health care reform" or "PPACA") changed the annual coordinated election period for Medicare Part D (prescription drug coverage). The annual election period for Medicare Part D is now October 15 through December 7. (Prior to PPACA's enactment, the election period was November 15 to December 31). An updated model notice of creditable coverage is available on CMS's [website](#).

### **The change in the annual election period means that employers must distribute notices of creditable (or noncreditable) coverage for Medicare Part D before October 15, 2011.**

Generally, employers who provide prescription drug coverage to individuals who are Medicare eligible must distribute a notice of creditable (or noncreditable) coverage annually. The notice lets individuals who have employer-sponsored prescription drug coverage know whether they will be subject to higher premiums if they do not enroll in Part D coverage when they first become eligible. Most employers are subject to this notice requirement.

Employers are required to distribute the notice regarding creditable coverage before the annual coordinated election period each year; however, this requirement is met if a notice was provided to an individual during the 12 months prior to the deadline. In light of the change to the election period, employers should consider how to timely distribute the creditable coverage notice. Some employers may need to send the notice earlier than they have in the past to meet the new deadline.

If you have any questions about distributing the Medicare Part D creditable coverage notice, please contact the attorney in the Benefits and Compensation practice group with whom you work.

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